

REMARKS

Claims 11 -13 are pending in the application. An Office Action was mailed on January 27, 2004. In the present Response, Applicants cancel claims 11 - 13 without prejudice or disclaimer, and add new claims 14 - 16. No new matter is added. Support for new claims 14 – 16 may be found, for example, with reference to Applicants' FIGs. 3 – 7 and page 4, line 29 through page 6, line 29 of Applicants' specification.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 11 - 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent No. 6,574,216 to Farris et al. Applicants cancel claims 11 - 13 without prejudice or disclaimer.

NEW CLAIMS

Applicants submit the following remarks in regard to new claims 14 – 16.

Farris discloses a packet data network with quality monitoring. A call through a packet network is monitored during the course of communication. In the event that service quality is degraded below a minimum acceptable level, the call is rerouted without termination over an alternate network (see, e.g., column 4, lines 46 – 63 and column 10, line 44 though column 11, line 21 of Farris).

In sharp contrast, according to the present invention as defined by new claims 14 – 16, a switch control part of the exchange causes the exchange to disconnect a connection to the Internet gateway via the first trunk and to release the first trunk, and a re-origination control part of the exchange then causes the exchange to re-originate a call of the calling party to the called party via the public telephone network via the second trunk by using a telephone number of the

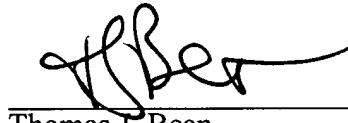
called party stored in memory. Farris fails to disclose or suggest Applicants' claimed switch control part and re-origination control part.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 14 – 16 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8729
Docket No.: FUJI 16.863 (100794-09729)
TJB:pm